

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

REGULAR MEETING OF THE BOARD OF TRUSTEES

Monday, February 20, 2023, at 6:00 p.m.

AGENDA ITEMS

- 1. Board of Trustees Meeting called to order by President Maloney Maloney called the meeting to order at 6:00 p.m.
- 2. Pledge Allegiance to the Flag
- 3. Roll Call by Clerk

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

PUBLIC COMMENTS (on recording https://youtu.be/Sd5wXw8XIPg?t=40)

Jim Pinsonneault – 5002 Arrow Street, Weston

Question regarding how many items remain on the punch list and the time frame for completion of those items, what is the estimated time of arrival for the AV equipment, and what is the official date or total number for when Miron is responsible for utilities at 4747 Camp Phillips Road and which utilities are they responsible for.

PUBLIC HEARING (on recording https://youtu.be/Sd5wXw8XIPg?t=161)

- **4.** Open Public Hearing opened at 6:02 p.m.
- **5.** Amendments to Chapter 74 of the Municipal Code of Ordinances Entitled "Subdivision Regulations"
- 6. Acknowledge Plan Commission Resolution 2023-PC-001: A Resolution Recommending Adoption of Ordinance No. 23-002: An Ordinance Amending Section 74.6.06 Street Dimensional Standards and Section 74.6.11 Sidewalks, Walkways and Multiuse Paths of the Subdivision Ordinance
- **7.** Close Public Hearing at 6:06 p.m.
- **8.** Approve Ordinance No. 23-002: An Ordinance Amending Section 74.6.06 Street Dimensional Standards and Section 74.6.11 Sidewalks, Walkways and Multiuse Paths of the Subdivision Ordinance

OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES

Motion by Cronin, second by Fiene to approve Ordinance No. 23-002: An Ordinance Amending Section 74.6.06 Street Dimensional Standards and Section 74.6.11 Sidewalks, Walkways and Multiuse Paths of the Subdivision Ordinance. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

MINUTES FROM PREVIOUS MEETINGS.

- 9. 01/16/2023 Board of Trustees Meeting
- 10. 02/06/2023 Special Board of Trustees Meeting

Motion by Zeyghami, second by Fiene to approve minutes of 01/16/2023 Board of Trustees Meeting and 02/06/2023 Special Board of Trustees Meeting. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

Trustee	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

REPORTS/MINUTES FROM BOARDS, COMMITTEES, COMMISSIONS

- 11. Building Committee
- **12.** Community Development Authority
- **13.** Everest Metro Police Commission
- **14.** Extraterritorial Zoning
- **15.** Finance
- **16.** Human Resources
- 17. Joint Review Board
- **18.** Parks & Recreation
- **19.** Plan Commission
- **20.** Public Works
- **21.** Tourism Commission
- 22. Refuse and Recycling

Motion by Fiene, second by Ermeling to approve reports/minutes 15 and 19. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

REPORTS FROM DEPARTMENTS (on recording https://youtu.be/Sd5wXw8XIPq?t=461)

23. Administrator

Donner spoke regarding the open house for the new Municipal Building. Miron will assist on the open house. In response to Jim Pinsonneault's question, utilities were paid by Miron through the end of December.

- 24. Clerk
- **25.** Finance
- **26.** Fire/EMS

Chief Finke provided an update regarding staffing issues at the fire department with another vacancy posted with the loss of the battalion chief.

- 27. Parks & Recreation
- 28. Plan/Dev
- **29.** Police

Chief Schulz reported that the police department currently has three vacancies. Two offers were provided to candidates applying for positions.

- **30.** Public Works
- **31.** Technology

Crown reported that we are still waiting on two items of AV that are expected to arrive in March.

WORK PRODUCT TRANSMITTALS

- **32.** January Building Permits
- 33. January Budget Status

Motion by Fiene, second by Weiland to approve work product transmittals. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

TrusteePresentErmeling, BarbYESFiene, NateYESMaloney, MarkYES

OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES

Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

CONSENT AGENDA

- **34.** Requests to pull items out of consent consideration.
- **35.** Vouchers check numbers 58761- 58961 and 90097-90099
- **36.** Action on consent agenda items

Motion by Ermeling, second by Zeyghami to approve item 35. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

ORDINANCES (on recording https://youtu.be/Sd5wXw8XIPg?t=1387)

37. Ordinance No. 23-003: An Ordinance Adopting the 2023 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston

Motion by Cronin, second by Ermeling to approve Ordinance No. 23-003: An Ordinance Adopting the 2023 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

38. Ordinance No. 23-004: An Ordinance to Approve the Rezoning of a Parcel of Land, located at 6207 Business Highway 51 in the Village of Weston, From B-2 Highway Business to PD Planned Development District and an Associated General Development Plan (on recording https://youtu.be/Sd5wXw8XIPg?t=1413)

OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES

Motion by Cronin, second by Hartinger to approve Ordinance No. 23-004: An Ordinance to Approve the Rezoning of a Parcel of Land, located at 6207 Business Highway 51 in the Village of Weston, From B-2 Highway Business to PD Planned Development District and an Associated General Development Plan. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

39. Ordinance No. 23-005 An Ordinance to Amend The Official Zoning Map To Rezone Two Sites To The PD Planned Development Zoning District And Establish A PD Specific Implementation Plan For Each Site (on recording https://youtu.be/Sd5wXw8XIPg?t=1445)

Motion by Cronin, second by Weiland to approve Ordinance No. 23-005 An Ordinance to Amend The Official Zoning Map To Rezone Two Sites To The PD Planned Development Zoning District And Establish A PD Specific Implementation Plan For Each Site. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

RESOLUTIONS

UNFINISHED BUSINESS

40. Update and Possible Action on American Rescue Plan (ARPA) Funds.

None.

NEW BUSINESS (on recording https://youtu.be/Sd5wXw8XIPg?t=1558)

41. Discussion on Developing an Official Policy for the Use of the Municipal Center Training Room; Request to Use of the Training Room for Weston Community Blood Bank Drives

Valerie Parker – 230801 County Road Y, Birnamwood was present and provided the Board with information regarding the blood drives which she coordinates for Versiti Blood Center as a host site for the community blood drives. They are held at the municipal center every couple of months. Being that she is a huge supporter, she donates her time on site during the blood drives. The room is then put back together, and the building locked up. The blood drives were held at the old facility until the move which then they were held at Dales Weston Lanes. With the construction of the new building, there was discussion that the blood drives would be held at the new building and that was done in earlier this year. It was a successful blood drive. It was then discussed that a policy was needed in order to continue to have the blood drives at the new municipal building. A formal policy has not been drafted ad there are other blood drives scheduled and she is asking that they be allowed through the end of the year until an official policy is drafted. Maloney clarified that the blood drive is not for profit. Parker confirmed how the blood is handled and where it is distributed, some locally. Maloney commented that he would be in favor of the Versiti Blood Drives at the new municipal center until there is a policy in place. Hartinger commented that the blood drives benefit the community and after the municipal center is used, it is cleaned up and left in good condition afterwards. Maloney said that if other blood drives would come forward, we may have to say yes to them. Parker then added that this blood drive is chaperoned by a municipal staff member. Maloney agreed that for a year, as long as the event is chaperoned by a municipal staff member, commission or committee member, then it would be allowed.

Motion by Hartinger, second by Cronin to allow community blood drives held in the new facility for the remainder of 2023.

Motion to amend prior motion by Hartinger, second by Cronin, to all Versiti blood drives to be held in the new facility so long as they are chaperoned by a Village of Weston committee member, commission member or staff member for the remainder of 2023. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

Trustee	Present
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

42. Policy for Preparation of Meeting Agendas and Information Packets (on recording https://youtu.be/Sd5wXw8XIPg?t=2444)

Motion by Fiene, second by Cronin for all board, committee, and commission agendas to be completed by the Wednesday prior to the meeting at 4:00 p.m. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

43. Change Order with Miron Construction for Utility Lab (on recording https://youtu.be/Sd5wXw8XIPg?t=2691)

Motion by Zeyghami, second by Fiene to approve change order with Miron Construction for Utility Lab for a price of \$34,531.16. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Present</u>
YES

44. Agreement with REI for Asbestos Containing Building Materials Evaluation at 5500 Schofield Avenue (on recording https://youtu.be/Sd5wXw8XIPg?t=2743)

Jim Pinsonneault spoke regarding this agenda item asking where the Village is with the building located at 5500 Schofield Avenue and what is the Board's intent on this building.

Motion by Fiene, second by Ermeling to approve Agreement with REI for Asbestos Containing Building Materials Evaluation at 5500 Schofield Avenue in the amount of \$3,185. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

TrusteePresentErmeling, BarbYESFiene, NateYES

Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

45. Wells 7 and 8 Change Order #4 (on recording https://youtu.be/Sd5wXw8XIPg?t=2912)

Motion by Ermeling, second by Fiene to approve Wells 7 and 8 Change Order #4. Motion Carried.

Discussion held: Cronin said that the date of completion was May 1 and what is the incentive for us to sign the Change Order. Wodalski said that if the wells are up and running by September, we can still flush our mains and that is the incentive for us. Cronin asked about DNR and what was the holdup. Wodalski responded that it may have been staffing or the questions that arose between the DNR and Department of Safety that may have reset the timeline. Cronin said we agreed on a date, construction is underway and now we are asking for a new date and 50,000 incentive. Wodalski said that the incentive would only apply if they finished earlier as stated in the proposed Change Order. If they finish later, the money would not be paid. Cronin asked if we could flush the main without the wells running. Wodalski said that he would be hesitant to do that. Wells 3 and 4 went offline last spring and the main has not been flushed since 2021. Wodalski does not want to go another winter without flushing the main. The current projected schedule is to finish in September. This would make them possibly get done sooner but if they don't, it won't cost the village anything more.

Jim Pinsonneault asked about the previous change order which was approved last fall where \$71,500 was paid for by the Village for wintering conditions. He adds that the Board approve the numbers on the proposed less the \$71,500 because we already paid them that for winterizing.

Yes Vote: 0 No Votes:7 Abstain: 0 Not Voting: 0 Result: Denied

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	NO
Fiene, Nate	NO
Maloney, Mark	NO
Cronin, Steve	NO
Weiland, Jamie	NO
Hartinger, Jasper	NO
Zeyghami, Hooshang	NO
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46. Weston Avenue (X-J) Utility Design Amendment (on recording https://youtu.be/Sd5wXw8XIPg?t=3597)

Wodalski spoke that at the October meeting the amount of \$71,500 was approved for the utility design. Upon review of the contract document, it was noted that the surveying

costs of \$18,000 was not included. With those surveying costs included, the sum is now \$89,500 which is still less than the original estimate of \$93,750.

Motion by Ermeling, second by Fiene to approve Weston Avenue (X-J) Utility Design Amendment for an additional \$18,000 for a total not to exceed cost of \$89,500. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

47. Business 51 Official Response Regarding Detours, Cost Shares, and Draft State Municipal Maintenance Agreement (on recording https://youtu.be/Sd5wXw8XIPg?t=3908)

Motion by Cronin, second by Hartinger to approve Business 51 Official Response Regarding Detours, Cost Shares, and Draft State Municipal Maintenance Agreement:

- 1) Allowing WisDOT to utilize Ross Ave and Schofield Ave as signed detours, as long as the reconstruction of BUS 51 is properly coordinated with the reconstruction of those two streets;
- 2) Denying the request for upsizing the storm sewer from STH 29 to Post Avenue;
- 3) Approving the 2023 SMMA Agreement with the attached Red Strike Out Verbiage Removed so it is comparable to the 2008 SMA Agreement with WisDOT; and
- 4) Working with WisDOT to allow for the STH 29 Storm Pond to be built within WisDOT ROW with WisDOT contributing to the construction cost equal to what the oversizing cost would be.

Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

48. Intergovernmental Agreement with City of Schofield for the Reconstruction of Ross Avenue from Metro Drive to Alderson Street (on recording https://youtu.be/Sd5wXw8XIPg?t=4499)

Motion by Zeyghami, second by Ermeling to approve Intergovernmental Agreement with City of Schofield for the Reconstruction of Ross Avenue from Metro Drive to Alderson Street. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

49. 2023 Billing Rates for Other Entities (on recording https://youtu.be/Sd5wXw8XIPg?t=4578)

Motion by Ermeling, second by Zeyghami to approve 2023 Billing Rates for Other Entities with the change of the Clerk's Office/Human Resources/Election to \$75.00. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

50. Request of review of Judgment Lien – Marathon County Court Case No. 15-CV-434 Village of Weston v. Jacob Roth, et al by David Roth (on recording https://youtu.be/Sd5wXw8XIPg?t=4788)

David Roth was present requesting that the judgment lien be dismissed.

Motion by Maloney, second by Cronin to deny dismissal of judgment lien, Marathon County Court Case No. 15-CV-434 Village of Weston v. Jacob Roth, et al by David Roth. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u> <u>Present</u>

OFFICIAL MEETING MINUTES OF THE BOARD OF TRUSTEES

Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

51. Request from Marathon County for Repaving of CR-X from Schofield Ave to STH 29 (on recording https://youtu.be/Sd5wXw8XIPg?t=5517)

Motion by Zeyghami, second by Weiland to approve request from Marathon County for Repaying of CR-X from Schofield Ave to STH 29. Motion carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

President Maloney announced at 7:35 p.m. that the Board would move to closed session pursuant to §19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons... which, if discussed in public would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems or investigations — to wit: Utility Clerk. Allowed to be present: J. Higgins, Chief Schulz, M. Wodalski, Attorney Matt Yde, J. Trautman, P. Brehm, K. Donner, J. Pinsonneault.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

Motion by Fiene, second by Ermeling to reconvene to open session at 8:07 p.m. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

President Maloney announced at 8:13 p.m. that the Board would move to closed session pursuant to 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – to wit Terms of Development Agreement with ABC Weston, LLC - Northwest Corner of Birch and Schofield Avenue. Allowed to be present: J. Higgins, M. Wodalski, Attorney Matt Yde, J. Trautman, P. Brehm, K. Donner, J. Pinsonneault, Kristen Fish-Peterson, Andy Adrian, Jeff Evanhouse, and Nick Bancuk.

Motion by Fiene, second by Ermeling to move to closed session at 8:13 p.m. Motion Carried.

Yes Vote: 7 No Votes:0 Abstain:0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

Motion by Fiene, second by Ermeling to reconvene to open session at 8:50 p.m. Motion Carried.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

POSSIBLE ACTION ON CLOSED SESSION ITEMS

Motion by Cronin, second by Hartinger to approve terms of Development Agreement with ABC Weston, LLC of \$150,000 with \$115,470 to be paid upon completion of first building and \$34,480 to be paid upon completion of second building with completion and final occupancy permits by 12/31/26.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES

ATTORNEY REFERRALS

STAFF REFERRALS

None.

REMARKS FROM TRUSTEES

Ermeling would like public works to keep an eye on the potholes developing and had a question for Michael Wodalski regarding sinking manholes.

REMARKS FROM THE PRESIDENT

FUTURE ITEMS

Next meeting date(s):

- February 20, 2023, Board of Trustees Regular Meeting at 6:00 p.m.

ADJOURN

Motion by Fiene, second by Hartinger to adjourn at 8:56 p.m.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: Pass

<u>Trustee</u>	<u>Present</u>
Ermeling, Barb	YES
Fiene, Nate	YES
Maloney, Mark	YES
Cronin, Steve	YES
Weiland, Jamie	YES
Hartinger, Jasper	YES
Zeyghami, Hooshang	YES